

promptly under his constitutional grants of executive power and authority as Commander in Chief while protecting sensitive national security information. The executive branch shall construe these sections to require notice at a time and in a manner consistent with the President's constitutional authority.

The Constitution commits to the President the primary responsibility for conducting the foreign relations of the United States, including the exclusive responsibility for formulating the position of the United States in international fora and conducting negotiations with foreign nations. Section 118, which purports, through a reporting requirement, to direct the power of the Department of Defense to conduct the foreign relations of the United States, shall be construed as advisory, consistent with the Constitution's grant of such power to the President.

Section 126 of the Act purports to require Department of Defense officials to respond in writing within 21 days to any question or inquiry from certain legislative subcommittees. The executive branch shall construe this section in a manner consistent with the President's constitutional authority to supervise the unitary executive branch and to withhold information the disclosure of which could impair foreign relations, the national security, the deliberative processes of the Executive, or the performance of the Executive's constitutional duties.

**George W. Bush**

The White House,  
November 30, 2005.

NOTE: H.R. 2528, approved November 30, was assigned Public Law No. 109-114. An original was not available for verification of the content of this statement.

**Statement on Signing the  
Transportation, Treasury, Housing  
and Urban Development, the  
Judiciary, the District of Columbia,  
and Independent Agencies  
Appropriations Act, 2006**

*November 30, 2005*

Today, I have signed into law H.R. 3058, the "Transportation, Treasury, and Housing and Urban Development, the Judiciary, the District of Columbia, and Independent Agencies Appropriations Act, 2006." This Act appropriates funds for fiscal year 2006 to these departments and agencies, and for other purposes.

The executive branch shall construe as calling solely for notification those provisions of the Act that are inconsistent with the requirements of bicameral passage and pre-shipment set forth in the Constitution, as construed by the Supreme Court of the United States in 1983 in *INS v. Chadha*. Such provisions include: sections 183, 201, 205, 211, 212, 217, 218, 603, 608, 710, 711, 720, 838, and 841, and provisions under the headings "Department of Transportation, Office of the Secretary, Salaries and Expenses," "Department of Transportation, Office of the Secretary, Working Capital Fund," "Federal Transit Administration, Administrative Expenses," "Department of the Treasury, Departmental Offices, Salaries and Expenses," "Internal Revenue Service, Business Systems Modernization," "High Intensity Drug Trafficking Area Program," "General Services Administration, Federal Buildings Fund," and "National Archive and Records Administration, Electronic Records Archives."

The executive branch shall construe the provisions of the Act in a manner consistent with the President's authority to supervise the unitary executive branch and take care that the laws be faithfully executed, including the authority to direct which officers in the executive branch shall assist the President in faithfully executing the law. Specific provisions that raise this concern include language under the heading "Office of Management and Budget, Salaries and Expenses" relating

to the review of executive branch orders, activities, regulations, transcripts, and testimony, and relating to the review of certain matters in reports to be submitted to the Congress through the Secretary of the Army.

The executive branch shall construe provisions in the Act that purport to mandate or regulate submission of information to the Congress, other entities outside the executive branch, or the public in a manner consistent with the President's constitutional authority to withhold information that could impair foreign relations, national security, the deliberative processes of the Executive, or the performance of the Executive's constitutional duties. Such provisions include sections 120, 182, 818, 820, and language under the heading "Operating Subsidy Grants to the National Passenger Railroad Corporation."

Certain provisions in the Act purport to allocate funds for specified purposes as set forth in the joint explanatory statement of managers that accompanied the Act; to make changes in statements of managers that accompanied various appropriations bills reported from conferences in the past; or to direct compliance with a committee report. The executive branch shall construe these provisions in a manner consistent with the bicameral passage and presentment requirements of the Constitution for the making of a law. Such provisions include section 710 and language under the headings "Community Planning and Development, Community Development Fund," "Department of Housing and Urban Development, Management and Administration, Salaries and Expenses," and "Office of Management and Budget, Salaries and Expenses."

The executive branch shall construe provisions that purport to require or regulate the submission of legislative proposals to the Congress by executive branch officials consistently with the President's constitutional authority to recommend to the Congress such measures as he judges necessary and expedient and authority to supervise the unitary executive branch. Such provisions include sections 182, 208, 219, 315, and 818.

Section 809 seeks to prohibit the expenditure of funds for the salaries of "any person for the filling of any position for which he or she has been nominated after the Senate

has voted not to approve the nomination of said person." The executive branch shall construe this provision in a manner consistent with the President's constitutional authority to make recess appointments.

The executive branch shall construe section 836, relating to assignment of executive branch employees to perform functions in the legislative branch, in a manner consistent with the President's constitutional authority to supervise the unitary executive branch and as Commander in Chief, and recognizing that the President cannot be compelled to give up the authority of his office as a condition of receiving the funds necessary to carrying out the duties of his office.

Certain provisions of the Act relate to race, ethnicity, or gender. The executive branch shall construe such provisions in a manner consistent with the requirement that the Federal Government afford equal protection of the laws under the Due Process Clause of the Fifth Amendment to the Constitution.

**George W. Bush**

The White House,  
November 30, 2005.

NOTE: H.R. 3058, approved November 30, was assigned Public Law No. 109-115. An original was not available for verification of the content of this statement.

## **Remarks on the World AIDS Day**

*December 1, 2005*

Thanks for coming. Thank you all. How about my line of work, where you get introduced by your wife? [*Laughter*] And I'm glad I got introduced by Laura because she deeply cares about the issue of HIV/AIDS. She's a great First Lady with a compassionate heart. In her travels, she's carried a message of hope for the suffering and a message that the empowerment of women is essential to the prevention of AIDS. I thank you for your introduction. More importantly, I thank you for your love.

I want to thank you all for coming and for joining the Government and, more importantly, the armies of compassion in the challenge of fighting AIDS. I want to thank Secretary Rice for being here, Secretary of